

COPY

Summons in a Civil Action (Rev 11/97)

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

DOSTART CLAPP GORDON & COVENEY, LLP,
a limited liability partnership,
Plaintiff,
vs

AMENDED

SUMMONS IN A CIVIL ACTION

Case No. 08 CV 0863 JM AJB

UNITED STATES DEPARTMENT OF LABOR,
ELAINE L. CHAO, in her official capacity as
Secretary of Labor, and DOES 1 through 20,
inclusive,
Defendants.

TO: (Name and Address of Defendant)

UNITED STATES DEPARTMENT OF LABOR
200 Constitution Ave, NW
Washington, DC 20210

ELAINE L. CHAO
Secretary of Labor
200 Constitution Ave, NW
Washington, DC 20210

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and
serve upon PLAINTIFF'S ATTORNEY

James F. Clapp, Esq.

DOSTART CLAPP GORDON & COVENEY, LLP
4370 La Jolla Village Drive, Suite 970
San Diego, CA 92122

An answer to the complaint which is herewith served upon you, within 30 days after
service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment
by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

MAY 15 2008

CLERK
J. HINDLE
F

DATE

By

, Deputy Clerk

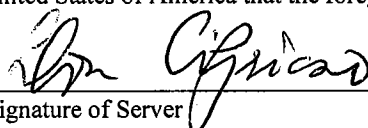
Summons in a Civil Action

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::ODMA\PCDOCS\WORDPERFECT\14443\1 May 5, 1999 (11:34am)

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VIA FAX

RETURN OF SERVICE				
Service of the Summons and Complaint was made by me			DATE May 16, 2008	
NAME OF SERVER Don Cipriano			TITLE	
Check one box below to indicate appropriate method of service				
<div style="display: flex; flex-direction: column; gap: 10px;"> <div> <input type="checkbox"/> Served personally upon the defendant. Place where served: _____ </div> <div> <input type="checkbox"/> Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein: Name of person with whom the summons and complaint were left: _____ </div> <div> <input type="checkbox"/> Return unexecuted: </div> <div> <input checked="" type="checkbox"/> Other (specify): Personally served on Karen P. Hewitt, United States Attorney for the Southern District of California, pursuant to Fed.R.Civ.P. 4(i)(1)(A). Place where served: U.S. Attorney's Office, Southern District of California, Federal Office Building, 880 Front Street, Room 6293, San Diego, CA 92101-8893 </div> </div>				
STATEMENT OF SERVICE FEES				
TRAVEL		SERVICES	TOTAL	
<div style="text-align: center; margin-bottom: 10px;">DECLARATION OF SERVER</div> <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> Executed on: <u>May 16, 2008</u> <div style="text-align: center;">Date</div> </div> <div style="width: 50%; text-align: center;">  Signature of Server ACE MESSENGER AND ATTORNEY SERVICE, INC. 110 West C Street, Suite 805, San Diego, CA 92101 Address of Server </div> </div>				
NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE				
<p>IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. <u>COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.</u></p> <p>YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.</p> <p>JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.</p>				

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure